
OLR Bill Analysis

sSB 1016 (File 442, as amended by Senate "A")*

AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO.

SUMMARY:

This bill makes people liable for failing to contain "running bamboo" (i.e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property beginning October 1, 2013. It requires a 100-foot setback from abutting property and a public right of way for running bamboo planted after that date, unless it is properly contained. It also requires people who sell or install running bamboo to educate customers on the plant's growing habits, the bill's provisions, and recommended containment methods.

The bill subjects violators of its (1) setback or containment provisions to a \$100 fine and (2) education requirements to a \$100 fine for each plant. Fines may be mailed to the Central Infractions Bureau without a court appearance.

Lastly, the bill (1) requires environmental conservation officers to enforce the setback, containment, and education requirements and (2) authorizes the Department of Energy and Environmental Protection, any duly authorized municipal constable, municipal tree warden, zoning enforcement officer, or inland wetlands and watercourses enforcement officer to do the same.

*Senate Amendment "A" removes the Department of Consumer Protection's enforcement authority and instead authorizes certain municipal officers to enforce the bill's setback, containment, and education requirements.

EFFECTIVE DATE: Upon passage, except the environmental conservation officers' enforcement powers are effective October 1, 2013.

LIABILITY FOR DAMAGE TO NEIGHBORING PROPERTY

Beginning October 1, 2013, the bill makes people who plant running bamboo, or allow it to be planted, on their property liable for any damage the bamboo causes to neighboring properties, including the cost of removing any bamboo that spread to neighboring property. It prohibits people from allowing running bamboo to grow beyond their property boundaries.

SETBACK OR CONTAINMENT REQUIRED

The bill requires anyone planting or allowing running bamboo to be planted on his or her property after October 1, 2013 to plant it at least 100 feet from an abutting property or public right-of-way. But it allows a person to plant within 100 feet if the running bamboo is properly contained. The containment system must be (1) a properly constructed and maintained barrier system or (2) an above ground container that does not allow the bamboo to come in contact with the ground's soil.

Violators are subject to a \$100 fine, and each day of a continuing violation is a separate offense.

EDUCATING PURCHASERS

The bill requires retail sellers and installers of running bamboo to provide buyers with a statement that includes:

1. a disclosure that running bamboo is a fast growing plant that may spread if not properly contained;
2. a plain language summary of the bill; and
3. recommendations on how to properly contain the bamboo, based on the best available information.

Violators are subject to a \$100 fine for each plant sold without the required statement.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/25/2013)

General Law Committee

Joint Favorable

Yea 15 Nay 0 (04/23/2013)

Judiciary Committee

Joint Favorable

Yea 38 Nay 3 (05/07/2013)